States v. *Spivey*, 448 F.2d 390, certiorari denied, February 22, 1972 (No. 71-5607).

Petitioner's sole contention is that the indictment was deficient in that it failed to allege the particular facility or place from which the goods were stolen. This information was disclosed to petitioner during the government's case in a bill of particulars (see Pet. 4). As we pointed out in our Memorandum in Opposition in *Spivey*, *supra*,[1] although a difference in circuits does exist on the question whether an indictment under Section 659 must specify the place or facility in interstate commerce from which the goods were stolen, we do not believe that the issue is of sufficient general importance to warrant review by this Court. We would note, moreover, that the more recent decisions have sustained indictments like the one in this case. *E.g.*, *Dunson* v. *United States*, 404 F.2d 447 (C.A. 9), certiorari denied, 393 U.S. 1111.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

APRIL 1972.

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[1] We are providing counsel with a copy of our *Spivey* memorandum.

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